

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUN 14 1996
 Returned to applicant for correction JUL 03 1996 JUL 23 1996
 Corrected application filed JUL 10 1996
 Map filed AUG 06 1996

The applicant **Earth Moving LLC, c/o Dr. Russell Miller**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **0.002785** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **commercial**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks") **commercial**
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **being a portion of the northeast ¼ of the southwest ¼ of Section 23, Township 22 south, Range 60 east, M.D.M., more commonly described as Parcel 1 of a parcel map recorded at File 83, page 4 of Clark County, Nevada Records. Also being S 82°56'12" West, 1268.33' from C¼ corner of said Sec. 23**
6. Place of Use **being a portion of the northeast ¼ of the southwest ¼ of Section 23, Township 22 South, Range 60 east, Mount Diablo Meridian, more commonly described as Parcel 1 of a parcel map recorded at File 83, page 4 of Clark County, Nevada records.**
7. Use will begin about **January 1** and end about **December 31**, of each year.
8. Description of proposed works **drilled well with pump and motor**
9. Estimated cost of works **\$100,000.00**
10. Estimated time required to construct works **150 days**
11. Estimated time required to complete the application of water to beneficial use **30 days**
12. Remarks: **One (1) commercial building - size 50'x150', for commercial use**

By **Jeffrey J. Freiberg, P.E.**
s/Jeff Freiberg
c/o G.C. Wallace, Inc., 1555 S. Rainbow Blvd.
Las Vegas, NV 89102

Compared cms/bk cl/cms

Protested _____

CANCELLED **MAR 19 2004** BECAUSE OF FAILURE
 OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
Justin, P.E. STATE ENGINEER

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights and is further subject to revocation if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. It is understood that this right must allow for a reasonable lowering of the static water level. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued subject to the State Engineer's Amended Order 1054 dated April 15, 1992.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.002785 cubic feet per second, but not to exceed 0.365 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

December 16, 1998

Proof of completion of work shall be filed before:

January 16, 1999

Application of water to beneficial use shall be filed on or before:

December 16, 2001

Proof of the application of water to beneficial use shall be filed on or before:

January 16, 2002

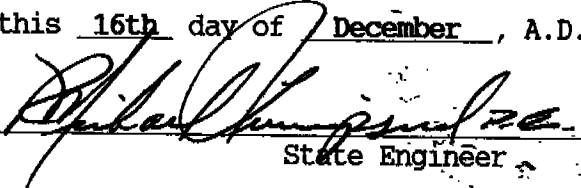
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 16th day of December, A.D. 1996


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____